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In re Application of: :
YOKOYAMA, Kenji, et al. :
Application No.: 10/591,335 : DECISION
PCT Application No.: PCT/JP2005/003604 :
Int. Filing Date: 03 March 2005 : UNDER
Priority Date: 04 March 2004 :
Atty Docket No.: 201487/1190 :
For: METHOD FOR PRODUCING MICROCHANNEL : 37 CFR 1.137(b)
CHIPS...THE MICROCHANNEL CHIPS

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R 1.137(b)" filed 11 May 2007, which has been treated as a petition under 37 C.F.R. 1.137(b).

BACKGROUND

On 03 March 2005, applicants filed international application PCT/JP2005/003604, which designated the U.S. and claimed priority date of 04 March 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 04 September 2006. Accordingly, PCT/JP2005/003604 became abandoned as to the United States of America at midnight of 04 September 2006 for failure to timely pay the Basic National Fee.

On 31 August 2007, applicants submitted a transmittal letter for entry into the national stage accompanied by an English translation of the international application. The papers did not include the required Basic National fee and an executed declaration.

On 01 February 2007, applicants submitted the full U.S. Basic National Fee via the USPTO Electronic Filing System (EFS-Web).

On 26 April 2007, the Office sent a "Notification of Abandonment" (Form PCT/DO/EO/909) indicating the applicants had failed to provide the full U.S. Basic National Fee by 30 months.

On 11 May 2007, applicants filed the present petition under 37 CFR 1.137(b) to revive the international application.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has provided the required petition fee.

Regarding item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons noted above, petition to revive under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



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